

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IZZAT NAZER,

Plaintiff,

-against-

THE STATE OF ISRAEL; ISRAEL
MASSAD; FEDERAL BUREAU OF
INVESTIGATION; CENTRAL
INTELLIGENCE AGENCY; DEPARTMENT
OF HOMELAND SECURITY,

Defendants.

23-CV-3744 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at the Vernon C. Bain Center, brings this action *pro se*. For the following reasons, the complaint is dismissed without prejudice.

Plaintiff has previously submitted to this court a substantially similar complaint against the same five defendants – the Federal Bureau of Investigation; Central Intelligence Agency; Department of Homeland Security; the State of Israel; and Israel’s secret intelligence service, Mossad (sued herein as Massad). That case is pending under docket number 23-CV-2875 (LTS). Plaintiff cannot maintain two suits in federal court against the same defendants arising from the same events.¹ Because this complaint raises the same claims as those already asserted in his pending suit, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff’s pending case under docket number 23-CV-2875 (LTS).

¹ If Plaintiff wishes to supplement or alter the allegations of his complaint in his pending suit under docket number 23-CV-2875 (LTS), he must do so within that action.

Plaintiff did not submit a prisoner authorization in this matter.² The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSION

The Court dismisses Plaintiff's complaint without prejudice, as duplicative of his pending case under docket number 23-CV-2875 (LTS). The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: May 5, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

² Although the Court, by order dated May 4, 2023, directed Plaintiff to file a prisoner authorization form, that order is moot because this action is dismissed as duplicative of his pending suit. Plaintiff need not submit the prisoner authorization form and will not be charged \$350.00 for bringing this duplicate action.